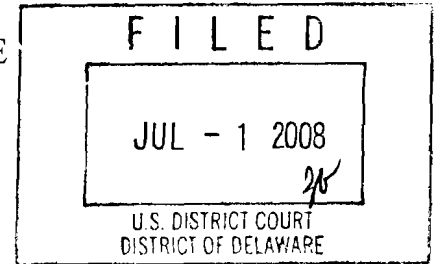


COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE



EDWARD G. WILLIAMS,  
SBI#00350587  
Plaintiff,

v.

Civil Action No. 07-637-JJF

Correctional Medical Services, et al,  
Defendant.

MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff Edward G. Williams #00350587 pursuant to 28 U.S.C. § 1915, request this court to appoint counsel to represent petitioner in the above-entitled action for the following reasons:

In deciding whether to appoint counsel for an indigent litigant, the District Court of Delaware articulated standards for evaluating a Motion for Appointment of Counsel filed by a *pro se* plaintiff. See Green v. FCM, 430 F. Supp.2d 383, 387 n. 3 (D. Del. 2006) (citing Tabron v. Grace, 6 F.3d 147 (3<sup>rd</sup> Cir. 1993) and Parhan v. Johnson, 126 F.3d 454 (3<sup>rd</sup> Cir. 1997)). Initially, the Court must examine the merits of a plaintiff's claim to determine whether it has some arguable merit in fact and law. See Parhan, 126 F.3d at 457 (citing Tabron, 6 F.3d 157); accord Maclin v. Freake, 65 F.2d 885, 887 (7<sup>th</sup> Cir. 1981) (per curium) (cited with approval in Tabron and Parhan). Only if the Court is satisfied that the claim is factually and legally meritorious, should it then examine the following factors: (1) the plaintiff's ability to present his own case; (2) the complexity of the legal issues presented; (3) the extensiveness of the factual

investigation necessary to effectively litigate the case and the plaintiff's ability to pursue such an investigation; (4) the degree to which the case may turn on credibility determination; (5) whether the testimony of expert witness will be necessary; and (6) whether the plaintiff can attain and afford counsel on his own behalf.

In support of this motion, the plaintiff avers the following:

1. The plaintiff's does not have the ability to present his own case.
2. The plaintiff is unskilled in the law and the complexity of the legal issues presented in the complaint is beyond plaintiff's abilities to pursue an effective investigation.

3. The plaintiff avers that the case may turn on credibility determination.

4. The plaintiff avers that testimony of expert witnesses will be necessary.

5. The plaintiff can not attain and afford counsel on his own behalf.

6. Appointment of counsel would serve "the best interest of justice" in this case.

7. The plaintiff's allegations if proved, clearly would establish a constitutional violation because Since 10/17/05 Doctor appointment with Dr. Levente SZALAI

I still suffer mentally emotionally and physically from a 9.8 centimeter in diameter Ventral Abdominal Hernia with a Slight protrusion of the transverse colon through the Hernia Defect. See attached 8/8/07 diagnosis of radiologist "RAPHAEL CACCESE, Jr., M.D.". Since 2005 of Oct. 17th until now Correctional Medical Services and all other defend-  
-ants have known of plaintiff physically sick condition that mentally and emotionally stresses plaintiff and causes plaintiff pain day and night from 2005 to this date 2008 CMS and all defendants have demonstrated reckless, willful and wanton malicious conduct and showing deliberate indifference by purposely denying plaintiff Ventral Abdominal hernia repair surgery because they do not care to spend money to save plaintiff life as -

Plaintiff has and still suffers Since 2005 Oct. 17th  
 Ventral Abdominal Hernia pain causing plaintiff  
 bloody stools, hemorrhoids, bloated abdomen, daily constipation,  
 Some days plaintiff cannot stand up or sit down due to pain  
 from his abdomen and rectum which the Ventral Abdominal  
 Hernia is the cause of plaintiff mental emotional and  
 physical pain constitutes cruel and unusual punishment  
 by CMS and all other defendants "under color of state law",  
 mistreating plaintiff who can show his physical injury in  
 person and by radiologist diagnosis report of RAPHAEL CAC-  
 CESSE Jr. MD. and discovery plaintiff medical files and medical  
 records which will show plaintiff Ventral abdominal hernia is such  
 a serious threat to plaintiff well being and can cause death of  
 plaintiff at any time due to the Ventral Abdominal Hernia  
 measuring 9.8 centimeter in diameter with slight protrusion  
 of the transverse colon through the hernia defect. Can  
 cause strangulation of plaintiff intestines and cause  
 the death of plaintiff who suffers pain since 10/17/05  
 until defendants provide the proper medical care plaintiff  
 will remain under imminent danger of physical injury that  
 can end plaintiff life denying plaintiff medical surgery has  
 worst plaintiff physical injuries since 2005 to 2008, request course

*as plaintiff is not trained in the formalities of law  
and appointment of Counsel is requested in the interest of Justice,*  
For the foregoing reasons, the plaintiff has provided the court with sufficient foundation

for the court to appoint counsel in this case.

Dated: 6/24/08

Edward H. Williams

SBI # 350587

Delaware Correctional Center

1181 Paddock Road

Smyrna, DE 19977

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Edward G. Williams,

Plaintiff,

v.

Correctional Medical Services, et al,

Defendant.

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Civil Action No. 07-637 JJF

ORDER

IT IS HEREBY ORDERED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
200\_\_, THAT THE ATTACHED MOTION FOR APPOINTMENT OF COUNSEL HAS BEEN  
READ AND CONSIDERED. IT IS ORDERED THAT THE MOTION IS  
HEREBY \_\_\_\_\_.

\_\_\_\_\_  
United States District Court Judge

Certificate of Service

I, Edward G. Williams, hereby certify that I have served a true

And correct cop(ies) of the attached: Motion For Appointment of  
Counsel & Attached Cat scan report upon the following  
parties/person (s):

TO: U.S. Distr. Ct. Clerk  
844 N. King St.  
Wilm. Del. 19801  
Eight Copies For all  
Defendants

TO: Copies for all Defendants

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 24th day of June, 2008

Edward G. Williams

IM: L/VVHRI/ G. WILLIAMS

SBI# 350587 UNIT S-16-19

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



LEGAL Mail postage due

PAY to Attached:



U.S. DISTRICT COURT HOUSE  
OFFICE OF THE CLERK  
844 N. King St. Lock Box 18  
Wilmington, Delaware  
19801